

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JUSTIN EDWARD LEWIS,

Plaintiff,

C17-0211-TSZ

V.

## ORDER

ETHAN GREEN,

## Defendant.

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge (“R&R”), docket no. 26, to which no objection was filed by plaintiff,<sup>1</sup> does hereby find and ORDER:

- (1) The Court ADOPTS the Report and Recommendation;

- (2) Defendant's unopposed motion for summary judgment, docket no. 22, is

GRANTED, and plaintiff's amended complaint, docket no. 6, and this action, are DISMISSED with prejudice; and

- (3) The Clerk is DIRECTED to enter judgment accordingly and to send copies of this Order and the Judgment to all counsel of record, plaintiff pro se, and Magistrate Judge Theiler.

DATED this 27th day of April, 2018.

Thomas S. Bally

Thomas S. Zilly  
United States District Judge

<sup>1</sup> Rather than filing an objection to the R&R, plaintiff has submitted a request that the Clerk certify to the Attorney General of the State of Washington, pursuant to Federal Rule of Civil Procedure 5.1, that this action challenges the constitutionality of a state statute. Plaintiff's request, docket no. 29, is DENIED. In the operative pleading, docket no. 6, plaintiff made no allegation that any state statute is unconstitutional, and to the extent he is now moving for leave to amend to assert such claim and/or join a defendant, his motion is DENIED as untimely.